IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11308 of 2005

Between:

1. M/s Visakha SC, ST Scavengers Sweepers & Substute Badili Workers Welfare Society , Regd.No. 211/97, represented by its President B. Mokalingam S/o Ramayya, aged 42 years, D.No. 36-33-24, Ramanna Colony, Ambedkar Nagar, Visakhapatnam - 7.

2. SC,ST Scavengers Sweepers & Substute Badili Workers Welfare Society , Regd.No. 906/97, represented by its President B. Lakshmana Rao S/o Simhadri, aged 30 years, D.No. 39-34-92, Ambedkar Nagar, Visakhapatnam - 7.

3. Sri Sai SC, ST Scavengers Substute Workers Welfare Society, Regd.No.194/97, Rep. by its President D. Venkata Rao S/o Appalaswamy, aged 30 years, D.No. 38-40-28, 104 Area, Marripalem,Visakhapatnam - 18.

4. Sri Veeranjaneya Badli Panivarala Sankshema Seva Sangam, Reg.No. 928/99,represented by its President Marudupaka Apparao S/o Ramulu, R/o Plot No. 12704, Gandhinagar, Arilova, Visakhapatnam.

5. Sri Sai Sanitary Workers Welfare Society, Rep. by its President B. Gurumurthy. S/o Appalaswamy, aged 44 years, R/o Akkayyapalem, Visakhapatnam - 16.

....PETITIONERS

AND

1. The Commissioner, Visakhapatnam Municipal Corporation,Visakhapatnam.

2. The Additional Commissioner, Municipal Corporation of Visakhapatnam, Visakhapatnam.

3. The Municipal Corporation of Visakhapatnam, represented by its Chief Medical Officer of Health,Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction, more particularly one in the nature of Writ of Mandamus declaring the tender notification in Rc.No. 299/2004/F1, dt. 8-5-2005 as illegal, arbitrary, violative of the G.O.Ms.No. 581 MA. dt. 6-11-96 and G.O.Ms.No. 30 MA dated 18-1-2000 and also contrary to the standing committee resolution dt. 9-5-2002. and pass such other or further orders as may be deem fit and proper.

Counsel for the Petitioners: MR.T.S.VENKATARAMANA

Counsel for the Respondent Nos.1 to 3: MR.N.RANGA REDDY (SC FOR MNICIPAL CROP. VSP.)

The Court made the following :

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ORDER:

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Heard the learned Counsel for the petitioners as well as the learned Counsel for the respondents.

The learned Counsel for the petitioners submits that in pursuance of G.O.Ms.No.581 MA, dated 6.11.1996, the Government considered the demands of the SC & ST Badili Workers' Societies for entrustment of sanitation work according to the exigency arisen in the municipal Corporations, to the Societies formed by them. It is further stated that the Visakhapatnam Municipal Corporation passed resolution on 9.5.2002 to award the sanitation work to such of those societies whose members are having minimum experience of two years to do the sanitation work. It is further stated that the tender notification issued on 8.5.2005 inviting the applications from pre-qualified SC & ST Badili Workers' Societies for cleaning works in identified localities on contract basis up to 31.3.2006. It is further stated that there is no specific condition in the tender notification as to the fulfillment of any minimum experience of two years and if such a condition is not imposed, the fresh societies, whose members are not having two years minimum experience, may also compete.

Having regard to the facts and circumstances of the case and in view of the controversy, I feel it appropriate to direct the respondents to issue the notification inviting the applications from the pre-qualified SC and ST Workers' Union, in consonance with the terms and conditions as contemplated under the G.O.Ms.No.581 MA, dated 6.11.1996.

Accordingly, the writ petition is disposed of. No order as to costs.

17th May, 2005

Nn

Copy to:

1. The Commissioner, Visakhapatnam Municipal Coproation, Visakhapatnam.
2. The Additional Commissioner, Municipal Corporation of Visakhapatnam, Visakhapatnam.
3. The Chief Medical Officer of Health, Municipal Corporation of Visakhapatnam, Visakhapatnam.

4. Two C.D.Copies.